



10/2/02  
P4  
2/A

Docket #33472/1

**OFFICIAL**

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Serial No.: 10/062,798

Examiner:

Filed: 01/31/2002

Art Unit: 2161

**TITLE: BIDDING FOR ENERGY SUPPLY**

**INVENTORS: Jack J. Johnson, Summit, NJ**

William F. Coyle, Summit, NJ

Commissioner of Patents and Trademarks

Washington, DC 20231

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**PRELIMINARY AMENDMENT**

Dear Sir:

**CERTIFICATION**

Applicants hereby certify that the Amendments presented below are fully supported in the Application, as originally filed, and do not introduce any New Matter.

09/20/2002 NMOHAMM1 00000096 501402 10062798

01 FC:203 621.00 CH  
02 FC:202 168.00 CH



2161/\$  
Express Mail Label  
No.: EV 146904929 US

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Jack J. Johnson  
Summit, New Jersey

William F. Coyle  
Summit, New Jersey

Case: 33472/1

Serial: 10/062,798

Group Art Unit: 2161

Examiner:

Title: BIDDING FOR ENERGY SUPPLY

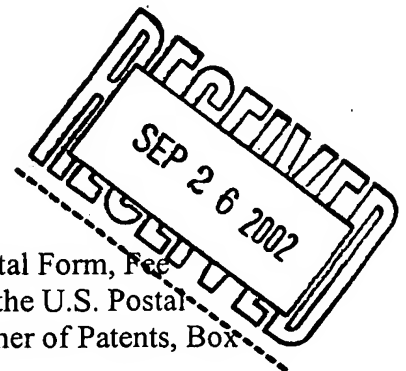
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Assistant Commissioner of Patents  
Box Amendment  
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING  
BY EXPRESS MAIL

I hereby certify that the attached Preliminary Amendment, Transmittal Form, Fee  
Transmittal and Return Postcard, are being deposited as Express Mail with the U.S. Postal  
Service on 09/18/2002 in an enveloped addressed to: Assistant Commissioner of Patents, Box  
Patent Application, Washington, D.C. 20231



*Margaret Epps*  
Margaret Epps

Allen N. Friedman, Esq.  
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(973) 622-4444

Dated: 09/18/2002



PTO/SB/17 (11-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number	10/062,798
Filing Date	01/31/2002
First Named Inventor	Jack Johnson
Examiner Name	
Group Art Unit	2161
Attorney Docket No.	33472/1

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

501402

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	112	-20** =	69	X	9	621
Independent Claims	12	-3** =	4	X	42	168
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 789.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type)	Allen N. Friedman, Esq.	Registration No. (Attorney/Agent)	25,973	Telephone	(973) 639-6946
Signature		Date	9/18/2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/062,798
	Filing Date	01/31/2002
	First Named Inventor	Jack Johnson
	Group Art Unit	2161
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	33473/1

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Allen N. Friedman, Esq. McCarter & English, LLP
Signature	<i>Allen N. Friedman</i> #25,973
Date	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>9-18-2002</u>			
Typed or printed name	Margaret Epps		
Signature	<i>Margaret Epps</i>	Date	9/18/02

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AMENDMENTS

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10 Please delete the first paragraph on Page 1 of the application, stating the priority claim,  
11 and insert the following paragraph:  
12

13 **A<sup>1</sup>** This Application claims the benefit of the priority of Provisional Applications Serial #  
14 60/039,041 filed February 24, 1997 and Serial # 60/064,421, filed October 30, 1997 and co-  
15 pending Application Serial # 09/023,968, filed February 13, 1998, now U.S. Pat. #6,047,274,  
16 issued April 4, 2000, and is a Continuation of co-pending Application Ser. #09/542,451, filed  
17 April 4, 2000.

18

19 Please amend Claim 1 as follows:

**A<sup>2</sup>** 20 Claim 1 (Amended)

21 A method for creating an automated bidding process among energy Providers [and] for  
22 **the benefit of** end users in which a moderating computer collects [economic incentive  
23 data] **bids** from each Provider of a plurality of energy Providers, processes the [economic  
24 incentive data] **bids** and [selects] **designates** at least [two] **one** Provider[s] of the  
25 plurality of energy Providers to provide energy to at least one end user, based on an  
26 economic choice **in accordance with auction rules**, wherein the method comprises:  
27 a. [receiving] in the moderating computer, **receiving** [economic incentive data  
28 specifying the economic incentive each Provider will place on a unit of] **bids to**  
29 **provide** energy [provided] to the at least one end user, processing the [economic